

Citation And Long Form Release Procedures and Requirements

411.1 PURPOSE AND SCOPE

- A. The purpose of this policy is to provide officers of the Sahuarita Police Department (SPD) with guidance on when and how adult and juvenile arrestees may be released on an ARS misdemeanor charge(s) via a citation (written notice to appear), rather than having the person booked at a county jail or a juvenile detention center. This policy also provides guidance on the releasing of adult and juvenile arrestees or detainees of petty offenses and misdemeanor Town Code violations via a citation.
- B. Additional release restrictions may apply to Domestic Violence and DUI charges, as outlined in the Domestic Violence policy Lexipol 310 or DUI - Impaired Driving policy Lexipol 504.

411.2 DEFINITIONS

Definitions for purposes of this policy:

- A. Custodial arrest: Taking a person into actual custodial restraint (handcuffed or not handcuffed) after establishing probable cause for a violation of an ARS felony or misdemeanor or after determining there is a valid extraditable arrest warrant for the person. An arrest is established by telling the person they are under arrest or by using an amount of force or restraint against a person to such a degree that a reasonable person viewing the incident or interaction would determine an arrest (custodial restraint) has been made and not simply a detention.
- B. Field release: The releasing of a person via citation in the field, typically at or near the location of the arrest, without any booking process.
- C. Jail booking: Taking a person to a county jail (or a prison) and turning them over to jail staff (or prison staff) and making sure custodial staff are aware of any applicable bookable charge (violation of an ARS, an extraditable arrest warrant, etc.).
- D. SPD booking (non-field release): Taking an arrestee to the SPD where the arrestee's photograph and fingerprints are taken prior to releasing them from an ARS arrest via a citation.
- E. Long Form process: The releasing of a detainee from a detention to later have the case reviewed in totality by a prosecuting attorney to possibly have charges filed against the person via a court process. The long form process may also be used when no detention has occurred and the investigating officer wants a prosecuting attorney to review the case for possible charges.

411.3 POLICY

Officers and members shall maintain compliance with all elements and requirements of this policy.

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- A. When an adult has been arrested for an ARS misdemeanor and/or felony and is booked at the Pima County Jail, officers should defer the fingerprinting and photographing of the arrestee to the jail booking process.
 - 1. Adults arrested for an ARS misdemeanor violation only must go through a SPD booking where a photograph will be taken of the arrestee via Axon Capture in front of a height chart and the arrestee's fingerprints shall be taken via a Live Scan machine prior to releasing them from the arrest via citation.
 - 2. In special cases, officers may be directed by a superior officer to fingerprint and photograph an adult arrestee prior to a jail booking where additional fingerprints and photographs may be taken.
- B. When a juvenile has been arrested for an ARS misdemeanor and/or felony, officers shall bring the juvenile arrestee to the SPD for a SPD booking (photograph via Axon Capture in front of a height chart and take the arrestee's fingerprints via a Live Scan machine) prior to the juvenile being transported to a juvenile detention facility, ACES, or being released via citation.
- C. If the Live Scan machine is not functioning members shall utilize a 10-print fingerprint card in order to obtain fingerprints during an SPD Booking. Members should utilize the fingerprint card holder in the TDF or front lobby interview room. Members will ensure quality ***rolled*** (not pad) prints are obtained and the information area on the 10-print card is properly completed and legible.
- D. Exceptions to section A and B above are:
 - 1. Title 28 violations and Town Code violations may result in a field citation release without an SPD or jail booking with the following exceptions: DUI, Reckless Driving, Aggressive Driving, and Hit & Run which require a jail or SPD booking.
 - 2. When dealing with an arrestee under the age of 13, an officer may brief a lieutenant or superior officer about the circumstances of the juvenile arrest and request an exception to an SPD or juvenile detention center/facility booking. This exception does not apply to crimes of violence or threatened violence.
- E. Any custodial arrest that may later result in a citation release pursuant to ARS 13-3903 does not affect an officer's authority to conduct a lawful search of the arrestee incident to arrest or to search an arrestee for contraband while they are in an officer's custody.
- F. When an officer arrests a person for an ARS misdemeanor, they shall take the time necessary to evaluate the appropriate final disposition of the arrestee as circumstances can sometimes change quickly. The final dispositions for an arrestee for an ARS misdemeanor are listed below.
 - 1. A jail booking
 - 2. A SPD booking
 - 3. A field release as allowed by this policy for an ARS misdemeanor or for a petty offense or misdemeanor Town Code violation.

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4. Long Form process -The long form process should be **rare** and requires a supervisor's approval (sergeant or superior officer) along with a clear explanation on why a jail booking, SPD booking or field release process was not reasonably applicable. Officers shall document in the RMS Workflow field the reasons and the need to utilize a Long Form process.
 5. NOTE: If an arrestee of any charge (misdemeanor or felony) is in need of medical care or a medical clearance prior to a release from the arrest (any type of release), officers and sergeants must obtain approval from a lieutenant or higher ranking officer prior to the release to determine if a field release, Long Form or other process will be used.
- G. The final dispositions for a petty offense or a Town Code offense are listed below:
1. All ARS petty offenses and misdemeanor Town Code violations shall result in a field release via citation with the below exception:
 - (a) Supervisors (sergeant or superior officer, or a corporal serving as a shift supervisor) may elect to have a person who has been arrested for a flagrant or repetitive violation of a misdemeanor Town Code booked at county jail.
- H. When dealing with misdemeanors, SPD officers will consider SPD resources, the SPD mission of protecting the community, and the SPD commitment to the timely submitting of photographs, fingerprints, and other criminal history data to the Arizona Central State Repository when utilizing a field release option.
- I. Officers may use a field release, without supervisor approval, for any petty offense, misdemeanor Town Code violation or Title 28 misdemeanor (with the exception of DUI, Reckless Driving, Aggressive Driving, and Hit & Run which require a jail or SPD booking).
- J. An officer with supervisory approval (sergeant or superior officer), may release an arrestee in the field for an ARS misdemeanor charge via a citation without a booking process; however, this should be **rare** . The approving supervisor or superior officer shall enter the reason for the field release in the RMS Workflow field.
1. A corporal acting as a shift supervisor needs to obtain sergeant or superior officer approval to invoke 411.3 J (above). This approval may be authorized via telephone.
 2. If members release an arrestee in the field via a citation, they shall complete a Mandatory Fingerprint Compliance form (SPD140) advising the arrestee they will have to be fingerprinted at a later date associated with their arrest.
- K. When reasonably able to do so, officers should work to complete a SPD booking of juvenile arrestees without using the SPD Temporary Detention Facility (TDF) and instead are to use the SPD front lobby interview room that is equipped with an Axon Capture photograph device, height chart, and a Live Scan fingerprint machine.
1. However, when the SPD front lobby juvenile booking option is not available, practical or conducive to a juvenile booking process, the TDF may be used to complete a juvenile SPD booking in accordance with Lexipol policy 901. Officers

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are reminded that juvenile arrestees must be separated by sight and sound from any adult arrestee.

- L. After a SPD booking and citation release, officers shall escort the arrestee out of the SPD.
 - 1. Those released by citation will not be allowed to remain in the SPD, to include the front lobby after business hours or when the PD is closed (i.e. weekends, holidays, etc.).
 - (a) An exception to this is if an officer or member remains with the person until they exit the SPD.
- M. Officers are not required to provide transportation to an arrestee following a SPD booking and citation release.

411.4 JAIL AND SPD BOOKING CRITERIA

Officers shall use the below criteria when deciding between a SPD or jail booking:

- A. The type and severity of the offense committed.
 - 1. Misdemeanor thefts of \$500 or less shall result in a SPD booking and citation release unless information associated with subsections B-H of this section determine a jail or juvenile detention center booking is more appropriate. Officers shall diligently work to utilize a SPD booking and citation release process when reasonably possible.
 - 2. ARS misdemeanor arrests not requiring a jail or juvenile detention center booking, as required by law or outlined in this or other SPD policies, shall result in a SPD booking and citation release unless information associated with subsections B-H of this section determine a SPD booking and citation release is inappropriate.
- B. A prior arrest record should not automatically result in an arrestee being booked at a jail or juvenile detention center; however, the known criminal history of the arrestee should be evaluated.
- C. The arrestees current demeanor in the presence of law enforcement, as well as actions exhibited during the crime.
- D. The arrestee resisted the law enforcement arrest or detention that led to their current custody.
- E. The ability to identify the arrestee with reasonable certainty.
- F. Whether there is any record of the individual failing to appear in previous misdemeanor or felony cases or other articulable information that reveals the individual may not appear in court.
- G. The individual's ties to the area, such as residence, employment or family.
- H. Whether there is a reasonable likelihood that criminal conduct by the individual will continue (i.e. the person has been arrested for the same or similar charge within the

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last year, the person indicates through statements or actions that they are likely to repeat the violation, etc.).

411.5 POLICY ISSUANCE OR REVIEW

06/13/2024 - Reviewed by Chief John D. Noland - SP#002